

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

v.

SUN LIFE ASSURANCE COMPANY OF
CANADA,

Defendant.

ORDER

14-cv-562-wmc

On October 27, 2015, the court held a telephonic hearing on three discovery-related motions, at which the parties appeared by counsel. Consistent with the court's oral rulings for the reasons stated on the record,

ORDER

IT IS ORDERED that:

- 1) Plaintiff U.S. Bank National Association's motion to compel (dkt. #77) is GRANTED IN PART AND DENIED IN PART. Sun Life shall disclose all (a) internal communications regardless of inhouse counsel's involvement; and (b) the work product of its inhouse or outside legal counsel or their agents. Sun Life need not disclose privileged communications with its outside counsel. Defendant Sun Life has until November 3, 2015, to inform the court whether it intends to rely on any legal advice from its outside counsel, in which case Sun Life will have waived any remaining attorney-client privilege and *all* such responsive communications, including any remaining listed in its privilege log (dkt. #90-1), are subject to discovery and must be produced.
- 2) Plaintiff's motion for protective order (dkt. #86) is also GRANTED IN PART AND DENIED IN PART. The motion for entry of a protective order is granted, but the court will enter Sun Life's proposed order (dkt. #89-1) by stipulation of the parties.
- 3) Defendant's motion to compel discovery (dkt. #94) is DENIED.

- 4) Defendant may have until November 3, 2015, to submit a brief explaining why it is not required to pay immediately into the court the \$6,000,000 policy proceeds; plaintiff may have until November 10, 2014, to file a response.

Entered this 28th day of October, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge